

REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

Tuesday, July 20, 2004, 9:30 AM

BOARD HEARING ROOM, FIRST FLOOR 10 Civic Center Plaza Santa Ana, California

THOMAS W. WILSON

CHAIRMAN Fifth District

JAMES W. SILVA VICE CHAIRMAN Second District

BILL CAMPBELL SUPERVISOR Third District

CHARLES V. SMITH

SUPERVISOR First District

CHRIS NORBY SUPERVISOR Fourth District

James D. Ruth

ATTENDANCE: Supervisors Smith, Silva, Norby and Wilson

EXCUSED: Supervisor Campbell

COUNTY EXECUTIVE OFFICER PRESENT:

> Benjamin P. de Mayo COUNTY COUNSEL CLERK OF THE BOARD Darlene J. Bloom

INVOCATION: Supervisor Norby, Fourth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Smith, First District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairman Wilson presented resolutions to various individuals and organizations for their work educating Orange County voters on the new DRE system

Supervisor Silva introduced Helena Jacobson of the Ray of Life Foundation who presented the Community Care Health Center of Huntington Beach with an Automated External Defibrillator

II. CONSENT CALENDAR (Items 1-45)

12345 APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 13 WHICH WAS Χ

PULLED FOR DISCUSSION AND SEPARATE VOTE

BOARD APPOINTMENTS

Chairman Wilson:

- 1. Assessment Appeals Board No. 1 Reappoint Jeanette Krembas, Laguna Niguel, for term ending 9/3/06
- Veterans Advisory Council Reappoint George Paul Reseter, Mission Viejo, for term ending 6/19/06
- Solid Waste Local Enforcement Agency Hearing Panel Reappoint Patricia A. McGuigan, Santa Ana and appoint Paul Manasjan, San Diego, for terms ending 6/30/06
- 4 · Airport Land Use Commission Appoint Melody Carruth, Laguna Hills, to complete term ending 5/1/06
- 5 **Supervisor Norby** Comprehensive Economic Development Strategy Committee Appoint Amado (Andy) Ronquillo, Jr., Anaheim, for term ending 7/1/06

DEPARTMENT APPOINTMENTS

6. **Probation -** Orange County Juvenile Justice Coordinating Council - Appoint Captain Bob Blackburn, Aliso Viejo; Lew Rosenblum, Orange and Chief Andrew Hall, Westminster, for terms concurrent with position - All Districts

COMMENDATIONS/PROCLAMATIONS

7. **Chairman Wilson** - Adopt resolution recognizing September 27, 2004 as "Family Day" *RESO: 04-187*

HEALTH CARE AGENCY

- Approve agreement with Council on Aging of Orange County for Seniors Friendly Visitor Coordination and Enhancement Program services, 7/1/04 6/30/05 (\$70,000) All Districts (Continued from 6/29/04, Item 17)
- 9 Approve price agreement S4000000258 with Morf Management Group, Inc. for Medicare and Third Party billing services for Behavioral Health Services, 8/8/04 8/7/05 (\$20,000) All Districts
- Approve agreement with State Department of Health Services for AIDS Drug Assistance Program, 7/1/04 6/30/05 (\$52,302) All Districts
- Authorize submission of grant application to State Department of Health Services Alcohol and Drug Program for alcohol prevention services (\$195,000) All Districts

HOUSING AND COMMUNITY SERVICES DEPARTMENT

Acting as the Board of Supervisors and Orange County Housing Authority - Approve recommendations of projects for 2004 SuperNOFA Continuum of Care Associated Application for Homeless Assistance; authorize Director or designee to execute related documents; and authorize acceptance of funds for shelter and care activities - All Districts

JOHN WAYNE AIRPORT

- Approve continuance of emergency and make appropriate findings pursuant to Public Contract Code Section 22050 (c)(1) for Phase II structural security modifications; set review to determine continuing need for emergency action for 8/3/04, 9:30 a.m. and every 14 days thereafter District 2 (4/5 vote) (Continued from 3/9/04, Item 46; 3/23/04, Item 10; 3/30/04, Item 13; 4/20/04, Item 12; 5/4/04, Item 6; 5/18/04, Item 10; 5/25/04, Item 19; 6/8/04, Item 16; 6/22/04, Item 5; 6/30/04, Item 5)
- 21345 APPROVED AS RECOMMENDED

ORANGE COUNTY PUBLIC LIBRARY

Approve agreements with GRT and Associates, Inc. for HVAC and electrical upgrades, Foothill Ranch Public Library and various Library Branches (\$193,500) - All Districts

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

- Authorize Auditor-Controller to release cash bonds to Shea Homes (\$165,750) and Mission Viejo Company (\$173,700) for construction of traffic signal controllers (\$165,750); and make California Environmental Quality Act findings District 5
- Authorize release of security for street improvements, street lights, sewer and water systems, landscaping and monumentation, Tract 15755, Toll Land XX Limited Partnership, Coto De Caza area District 5
- Authorize release of security for street improvements, street lights, sewer and water systems, landscaping and monumentation, Tract 15809, Toll Land XX Limited Partnership, Coto De Caza area District 5
- Authorize release of security for street improvements, street lights, sewer and water systems, landscaping and monumentation, Tract 15841, Toll Land XX Limited Partnership, Coto De Caza area District 5
- Authorize release of security for street improvements, street lights, sewer and water systems, landscaping and monumentation, Tract 15842, Toll Land XX Limited Partnership, Coto De Caza area District 5
- Authorize release of security for street improvements, street lights, sewer and water systems and monumentation, Tract 16239, WL Homes LLC, Ladera Ranch area District 5
- Authorize Auditor-Controller to release cash bond to Aliso Viejo for assembly modifications of traffic signal controllers, Tract 15638 (\$58,500); and make California Environmental Quality Act findings District 5

- Adopt resolution certifying completion of street improvements and street lights; authorizing release of security and accepting public street improvements, street lights, landscaping and monumentation, Tract 12365, Kahlil Najaf-Zadeh and Tourab Majlessipour Najaf-Zadeh, Modjeska Canyon area District 3

 RESO: 04-188
- Approve continuation of emergency and make appropriate findings pursuant to Public Contract Code Section 22050(c) (1) for expansion of Orange County Public Law Library; authorize Director or designee to prepare and award contracts to complete work; set review for 8/3/04, 9:30 a.m., and every 14 days thereafter District 1 (4/5 vote) (Continued from 6/29/04, Item 110)
- Adopt Negative Declaration IP02-195; approve plans and specifications and set bid opening for 8/18/04, 2:00 p.m., for construction of walkway, Sunset Beach area; and authorize Chief Engineer or designee to execute right of way certification District 2
- Approve quitclaim deed to Lake Forest for scenic preservation and recreational purposes, Serrano Creek Channel; and make California Environmental Quality Act and other findings District 5
- 26. Approve agreement D04-037 with Cypress for subdivision map checking services District 2
- Approve agreement D04-020 with Lake Forest for maintenance and operation of City traffic signals, 7/1/04 6/30/07 (\$150,000); and make California Environmental Quality Act findings District 5
- Approve plans and specifications and set bid opening for 9/1/04, 2:00 p.m., for floor repair, West Justice Center; and make California Environmental Quality Act findings District 1
- Approve agreement D04-045 with Sprint Communications for relocation of existing aerial facilities, Laguna Canyon Road Widening and Realignment Project (\$38,000); and make California Environmental Quality Act and other findings District 5
- Approve price agreement N1000005992 with Starlite Reclamation for removal of waste oils, solvents, gasoline and used oil filters, 7/22/04 7/21/05 (\$37,000 per year); renewable for two additional years; and make California Environmental Quality Act findings All Districts
- Approve agreement D04-026 with Trails4All to continue restoration and maintenance activities for recreational trails, beaches and waterways, in exchange for in-kind services; and make California Environmental Quality Act findings All Districts

Acting as the Orange County Flood Control District:

- Approve amended agreement D02-029 with RBF Consulting for on-call engineering services, Santa Ana River Mainstem Project, extending term one year; and make California Environmental Quality Act findings All Districts
- Approve access easement to Fullerton Creek Channel, Tract 16228; and make California Environmental Quality Act and other findings District 4
- Acting as the Board of Supervisors and Orange County Flood Control District Accept work with J. F. Shea Construction, Inc. for Talbert Channel improvements between Adams Avenue and Yorktown Avenue; project completed 12/10/03 (\$3,949,374.63) District 2

PUBLIC PROTECTION

Sheriff-Coroner:

- Approve transfer of 800 MHz portable and mobile radios to Aliso Viejo and Rancho Santa Margarita District 5
- Accept forfeited 1998 Lexus GS300, 1996 Honda Accord and 2000 Volkswagen Jetta V6 Sedan from U.S. Marshals Service (\$8,327) All Districts
- Approve price agreement N1000005791 with EST Service for preventive maintenance and repair services to fire alarm and life safety systems, Intake/Release Center, 7/20/04 7/19/05 (\$50,425); renewable for four additional years District 1

GENERAL ADMINISTRATION

Clerk of the Board - Adopt amended Board of Supervisors "Rules of Procedure, July 2004" - All Districts

County Counsel:

- Approve amended agreement with Stradling Yocca Carlson & Rauth for professional legal services (\$25,000; new total \$50,000) All Districts
- Approve amendment 2 to agreement with Fisher & Phillips for professional legal services (\$75,000; new total \$150,000) All Districts

County Executive Office:

- Receive and file Report of Leases and Easements issued under delegated authority, FYs 2002/03 and 2003/04 All Districts
- Approve two year license with Diamond Parking, Inc. for parking spaces for employees of Housing and Community Services Department, 1600 N. Broadway, Santa Ana; and make California Environmental Quality Act findings District 1
- Receive and file External Restructuring Report for the County of Orange All Districts
- Receive and file Report of Acquisition of Real Property Interests acquired under delegated authority, FYs 2002/03 2003/04 All Districts
- Human Resources Approve amended price agreement N2000004038 with Great West Retirement Services for administration of County's Deferred Compensation Plans to add Self-Directed Brokerage Account option to 457 and 401(a) Defined Contribution Plans All Districts

END OF CONSENT CALENDAR

III. DISCUSSION ITEMS (Items 46-64)

HEALTH CARE AGENCY

- Approve cooperative agreement with State Department of Fish and Game, Newport Beach and University of California, Irvine for Back Bay Science Center; and direct HCA to return to the Board with sublease and operating agreement for use of laboratory space for water quality testing and continuing maintenance and educational programs for Back Bay Science Center; and make California Environmental Quality Act findings District 2
- B.O. **CONTINUED TO 7/27/04, 9:30 A.M.**

HOUSING AND COMMUNITY SERVICES DEPARTMENT

- Approve amended agreements with various community college districts for Nurse Workforce Initiative, 6/30/04 12/31/04 (\$135,000; new total \$630,000) and 6/30/04 6/30/05 (\$170,000; new total \$370,000) All Districts
- 21345 APPROVED AS RECOMMENDED
- 48. Approve agreement TV-0405-22 with State Department of Aging for Title V Senior Community Service Employment Program (\$854,973) All Districts
- 12345 APPROVED AS RECOMMENDED
- Ratify submission of grant application to the California Workforce Investment Board for youth with disabilities (\$548,000) All Districts
- 42135 APPROVED AS RECOMMENDED

INTEGRATED WASTE MANAGEMENT DEPARTMENT

- Approve price agreement N1000005923 with Habitat West, Inc. for maintenance of Riparian and Coastal Sage Scrub Habitat Mitigation Program, Prima Deshecha Landfill, 7/20/04 7/19/05 (\$146,251.25); renewable for four additional years (\$126,639.19 second year; \$117,904.56 third year; \$91,405 fourth year; and \$72,625 fifth year) District 5 (Continued from 6/8/04, Item 71; 6/29/04, Item 101)
- 51234 APPROVED AS RECOMMENDED
- Approve price agreements with various providers for light duty vehicle maintenance and repair services, 7/20/04 7/19/05 (\$155,000); renewable for four additional years All Districts
- 21345 APPROVED AS RECOMMENDED

JOHN WAYNE AIRPORT

- Approve amended agreement with Landrum and Brown, Inc. for settlement amendment implementation plan and terminal planning services (\$177,536; new total \$354,536); and make California Environmental Quality Act findings District 2
- 21345 APPROVED AS RECOMMENDED

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

- Receive bids and award contract to Hilbrick Construction for expanding South County garage capability, Laguna Niguel (\$532,135); and approve budget adjustments District 5 (Continued from 6/22/04, Item 54; 6/30/04, Item 54) (4/5 vote)
- 52134 <u>APPROVED AS RECOMMENDED</u>
- Receive bids and award contract to Hilbrick Construction for asbestos abatement and restroom improvements, Youth Guidance Center, Santa Ana (\$623,000); and make California Environmental Quality Act findings District 1
- 14235 APPROVED AS RECOMMENDED

SOCIAL SERVICES AGENCY

- Ratify submission of the Child Abuse Treatment Program Grant application to Governor's Office of Emergency Services for comprehensive treatment services for child victims of abuse and neglect, 10/1/04 9/30/05 (\$312,500); and authorize Director or designee to execute related documents All Districts
- 12345 <u>APPROVED AS RECOMMENDED</u>

PUBLIC PROTECTION

- Probation Adopt resolution approving grant award agreement RT033Q0300 with State Office of Emergency Services for continued Federal Residential Substance Abuse Treatment grant funding for Addiction and Substance Abuse Education and Recognition Treatment Program, 10/1/03 6/30/04 (\$382,811); authorize Chief Probation Officer to execute subsequent amendments under certain conditions; and make California Environmental Quality Act findings All Districts (Continued from 6/29/04, Item 116)
- B.O. <u>DELETED</u>

Sheriff-Coroner:

- Approve license agreement with Tissue Banks International, Inc., dba Orange County Eye and Tissue Bank for continued rental of office space, Santa Ana facility; and make California Environmental Quality Act findings District 1 (Continued from 6/8/04, Item 86; 6/29/04, Item 117)
- B.O. **DELETED**
- Approve agreement with Rancho Santa Margarita for law enforcement services, 7/1/04 6/30/05 (\$5,533,466); and authorize Sheriff-Coroner to execute amendments and extend agreement, 7/1/05 8/31/05, under certain conditions District 5
- 51234 APPROVED AS RECOMMENDED
- Ratify submission of grant application to and acceptance of grant award, assurances and certifications from U.S. Department of Justice for Forensic Casework DNA Backlog
- Reduction Program (\$172,466) All Districts
- 21345 APPROVED AS RECOMMENDED

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GENERAL ADMINISTRATION

County Counsel - Consider first reading of "An Ordinance of the County of Orange, California, Adding Section 2-5-302 of the County of Orange Codified Ordinances Permitting Certain Non-Exclusive Uses of County Parks"; and set second reading and adoption for 7/27/04, 9:30 a.m. - All Districts

12345 APPROVED AS RECOMMENDED

County Executive Office:

Second reading and adoption of "An Ordinance Amending the Title of Article 25; Section 1-2-331; 1-2-333 - 1-2-337 and 1-339 - 1-2-341 of the Codified Ordinances of the County of Orange Pertaining to the Children and Families Commission of Orange County and Trust Fund" - All Districts (Continued from 6/30/04, Item 62)

51234 APPROVED AS RECOMMENDED
X

ORD: 04-010

Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts

DISCUSSED

IV. PUBLIC HEARINGS (Items 65-67)

HEALTH CARE AGENCY

Public Hearing to consider adopting resolution approving Animal Care Services fee schedule update; rescinding Resolution 03-246, effective 7/1/04; and make California Environmental Quality Act findings - All Districts (Continued from 6/29/04, Item 144)

B.O. <u>CLOSED PUBLIC HEARING</u>

12345 APPROVED AS RECOMMENDED

RESO: 04-189

- Public Hearing to consider adopting resolution approving Environmental Health Division Fee Schedule update; rescinding Resolutions 03-207, 02-386, 03-234, 03-252 and 03-070, effective 7/1/04; and make California Environmental Quality Act findings All Districts (Continued from 6/29/04, Item 146)
- B.O. CLOSED PUBLIC HEARING
- 12345 <u>APPROVED AS RECOMMENDED</u>

RESO: 04-190

HOUSING AND COMMUNITY SERVICES DEPARTMENT

- Acting as Orange County Development Agency Public Hearing to consider adopting resolution approving agreements and other related documents with Newport Executive Court, LLC for sale of property, Santa Ana Heights area; authorize Redevelopment Program Manager to execute related documents and amendments under certain conditions; and make California Environmental Quality Act finings; Acting as the Board of Supervisors Authorize Manger, CEO Real Estate, to accept and execute avigation easement deed and building restriction agreement District 2
- B.O. **CONTINUED TO 7/27/04, 9:30 A.M.**

V. CLOSED SESSION (Items CS-1-CS-7)

GENERAL ADMINISTRATION

County Counsel:

- CS-1. CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION Pursuant to Government Code Section 54956.9(a):
 Name of Case: Larry Bartosiewski v. County of Orange, Case Nos. ANA 370215; ANA 370216
- B.O.

 HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE,
 SUPERVISOR CAMPBELL BEING ABSENT, APPROVED A PROPOSED

 SETTLEMENT IN CASE OF LARRY BARTOSIEWSKI V. COUNTY OF ORANGE.
 THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL
 OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL,
 DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK
 MANAGEMENT TO ANY PERSON WHO INQUIRES.
- CS-2. CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION Pursuant to Government Code Section 54956.9(a):
- Name of Case: Bruce MacAfee v. County of Orange, Case No. ANA 0099533

 HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE,

 SUPERVISOR CAMPBELL BEING ABSENT, APPROVED A PROPOSED

 SETTLEMENT IN THE CASE OF BRUCE MACAFEE V. COUNTY OF ORANGE.

 THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL

 OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL,

 DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK

 MANAGEMENT TO ANY PERSON WHO INQUIRES.

CS-3.	CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
B.O.	Name of Case: Stella Snell v. County of Orange, Case No. RIV 0047534 HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR CAMPBELL BEING ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF STELLA SNELL V. COUNTY OF ORANGE. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL,
	DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.
CS-4.	CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a): Name of Case: Sheryl Dixon-Baum v. County of Orange, Case No. AHM 0108411
B.O.	HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR CAMPBELL BEING ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF SHERYL DIXON-BAUM V. COUNTY OF ORANGE. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.
CS-5.	CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a): Name of Case: Community Redevelopment Agency of the City of Santa Ana v. AP-
B.O.	Edinger, LLC, et al., OCSC Case No. 03CC13833 HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR CAMPBELL BEING ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF SANTA ANA V. AP-EDINGER. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.
CS-6.	CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(b): Number of Cases: One Case
B.O.	CONTINUED TO 7/27/04, 9:30 A.M.
CS-7.	CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
B.O.	Name of Case: Phil Analla Chavez v. County of Orange, OCSC Case No. 03CC05419 HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, SUPERVISOR CAMPBELL BEING ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF PHIL ANALLA CHAVEZ V. COUNTY OF ORANGE. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.

VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Mark Henne - Oral Re: Settlement payments on AMS contracts

Darrell Nolta - Oral Re: Opposition to State and union activities

BOARD COMMENTS:

None

ADJOURNED: 11:20 A.M.

*** KEY ***

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1. = Supervisor Smith A. = Abstained O. = Ordinance 2. = Supervisor Silva X. = Excused R. = Resolution

3. =Supervisor Campbell N. =No

4. = Supervisor Norby BO = Board Order

5. = Chairman Wilson

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

THOMAS W. WILSON, CHAIRMAN

Orange County Board of Supervisors

DARLENE J. BLOOM

Orange County Clerk of the Board